

# AB 234 – OIL SPILL PREPAREDNESS ACT

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## Assemblymember Jared Huffman

### IN BRIEF

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AB 234 requires pre-booming prior to and during marine oil transfer operations to ensure maximum containment of oil spill contamination.

### ISSUE

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On October 30, 2009, the Dubai Star spilled between 400 to 800 gallons of bunker oil into the San Francisco Bay within six miles of the Alameda coastline, devastating local wildlife and aquaculture.

Investigators for the Office of Spill Prevention and Response (OSPR) say the Dubai Star oil spill occurred when one of the ship's massive fuel tanks overfilled during an early morning refueling stop and crew members failed to notice until oil had already seeped into the bay.

The Dubai Star did not pre-boom prior to the oil transfer. According to OSPR, by the time workers realized there was a leak, it was too late to contain by deploying the booms.

The Dubai Star spill impacted sensitive fisheries and bird habitat along the shore of the East Bay. The Department of Fish and Game, along with the Office of Environmental Health Hazard Assessment, did not lift the last restrictions resulting from the Dubai spill on harvesting mussels and shellfish at Crown Memorial State Beach in Alameda until December 10, more than a month after the oil spill. According to OSPR, the cost to clean up the oil spill has cost \$40,000 per gallon spilled.

Had the Dubai Star pre-boomed prior to beginning the oil transfer, it could have prevented a vast majority of the oil leaking into the bay and economic hardships for the fisheries that had to be closed.

While the Dubai Star spill is an isolated incident, it illustrates the potential for containment when transfers are preboomed.

### BACKGROUND

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Pre-booming prior to an oil transfer can effectively retain a significant amount of oil under oil spill conditions, providing precautions for maximum possible containment. According to statistics from the state of Washington's Department of Ecology, more than 80% of oil is recovered if an oil transfer operation was pre-boomed.

Boom is a large floating barrier that is used for stopping oil that has spilled from spreading.

Under current law, transfer units are required to have immediate access to boom equipment, but not all are units are required to pre-boom.

In 2008-2009, California experienced 13 oil spills during vessel-to-vessel oil transfer operations, and only one time did the transfer unit pre-boom.

### EXISTING LAW

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Federal and state laws mandate the preparation of oil transfer procedures to prevent the spillage of oil. These laws state that communications must be established before transferring oil to or from a vessel and a Declaration of Inspection is completed and signed by both the vessel and the Person in Charge of the marine terminal.

OSPR's regulations provide for two options for booming oil transfer operations: pre-boom, or deploy 600 feet of boom within 30-minutes of a spill and an additional 600 feet within an hour (CCR Title 14, Subdiv. 4, Ch. 3, Sub.ch. 6, Sec. 844 (c)).

Under Title 33 CFR 156.120 (t)(1), the U.S. Coast Guard permits bunkering vessels at anchorage in San Francisco Bay *only* at Anchorage 9. Title 33 CFR 154.1040 (d) requires mobile facility operators to have at least 200 feet of containment boom available to deploy within one hour of a spill and additional absorbent material on scene within one hour for initial response.

The State Lands Commission's regulations under Title 5, section 2395, require oil transfer operations between an on-shore terminal and a vessel to deploy boom prior to commencement of the operation to enclose water surface surrounding the vessel.

### THIS BILL

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AB 234 will require all transfer units engaged in a bunkering or lightering oil transfer to deploy boom prior to and for the duration of each oil transfer operation. In the event prebooming is considered unsafe or ineffective, transfer units may follow alternative measures for booming determined by OSPR.

Transfer units will be required to file a Safe & Effective Threshold report to OSPR. The report will identify the unit's thresholds for determining when conditions are safe and effective to preboom. OSPR will be required to

develop a process for reviewing and approving those reports, and communicating with transfer units in each situation that they do not preboom an oil transfer operation.

AB 234 increases the revenues deposited into the Oil Spill Prevention and Administration Fund. The per barrel fee on oil is increased from 5 cents to 6 cents, and OSPR is given discretion to increase that fee, based on the consumer price index, to cover its administrative costs.

The nontank vessel fee on certificates of financial responsibility, which is imposed every two years, is increased from \$2,500 to \$3,000.

AB 234 additionally requires the State Lands Commission to report to the Legislature on regulatory action taken and recommendations for statutory changes needed to ensure maximum safety and prevention of harm during offshore oil drilling in state waters. Currently, there are 27 offshore oil and gas platforms located 1.2 to 10.5 miles off the southern California coast. Four of the platforms are in state waters and 23 in federal waters.

## **SUPPORT**

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Pacific Environment – sponsor  
Association of Bay Area Governments  
Blue Frontier Campaign  
California Association of Professional Scientists  
California League of Conservation Voters  
Center for Biological Diversity  
Center for Oceanic Awareness, Research, and Education  
Clean Water Action  
Crab Boat Owners Association  
Defenders of Wildlife  
East Bay Bird Advocates  
Environment California  
Environmental Defense Center  
Farallones Marine Sanctuary Association  
Friends of the Earth  
Marin Audubon Society  
Marine Conservation Biology Institute  
Natural Resources Defense Council  
Ocean Conservancy  
Ocean Conservation Research  
Ocean Defenders Alliance  
Oceana  
Pacific Coast Federation of Fisherman's Association  
Richmond Shoreline Citizens Response  
Save the Bay  
Save the San Francisco Bay  
Surfrider Foundation  
Turtle Island Restoration Network  
Waterways Restoration Institute

## **OPPOSITION**

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California Labor Federation  
Department of Fish & Game  
Matson Navigation Company  
Pacific Merchant Shipping Association  
Sailors Union of the Pacific

## **FOR MORE INFORMATION**

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